# Exhibit 12

# **KUNG FU TEA**

Reg. No. 5,588,198

KF TEA USA INC (NEW YORK CORPORATION)

Registered Oct. 16, 2018

589 Eighth Avenue, 17th Floor New York, NEW YORK 10018

Int. Cl.: 9, 16, 18, 21, 25,

CLASS 9: Cell phone cases; Cases for mobile phones

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**30** 

FIRST USE 11-30-2017; IN COMMERCE 11-30-2017

**Trademark** 

CLASS 16: Stickers

**Principal Register** 

FIRST USE 11-30-2017; IN COMMERCE 11-30-2017

CLASS 18: Tote bags

FIRST USE 11-30-2017; IN COMMERCE 11-30-2017

CLASS 21: Mugs; Plastic cups; Tea canisters; Water bottles sold empty

FIRST USE 11-30-2017; IN COMMERCE 11-30-2017

CLASS 25: Headwear, namely, caps and hats; Hoodies; T-shirts

FIRST USE 12-1-2016; IN COMMERCE 11-30-2017

CLASS 30: Tea bags

FIRST USE 11-30-2017; IN COMMERCE 11-30-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4510162, 3961011, 4497687

No claim is made to the exclusive right to use the following apart from the mark as shown:

"IEA"

SER. NO. 87-978,365, FILED 07-28-2017



Director of the United States Patent and Trademark Office

#### CREQUIREMENTS STOWN ADVIATION OUR TEPIERAL 2 TRADEMARKERE GIST RASTION 325

## WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

## Requirements in the First Ten Years\* What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

## Requirements in Successive Ten-Year Periods\* What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

#### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

\*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at h ttp://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

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Mark: KUNG FU TEA

## KUNG FU TEA

US Serial Number: 87978365 Application Filing Jul. 28, 2017

Date:

US Registration 5588198 Registration Date: Oct. 16, 2018

Number:

Filed as TEAS Yes Currently TEAS Yes

Plus:

Mark Type: Trademark

**Descriptor:** 

Register: Principal

TM5 Common Status



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 16, 2018

Publication Date: Dec. 12, 2017 Notice of Allowance Date: Feb. 06, 2018

#### **Mark Information**

Mark Literal KUNG FU TEA

Elements

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:
Disclaimer: "TEA"

### **Related Properties Information**

Claimed Ownership 3961011, 4497687, 4510162 and others

of US Registrations:

Child Of: 87546827

#### **Goods and Services**

#### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Cell phone cases; Cases for mobile phones

International 009 - Primary Class U.S Class(es): 021, 023, 026, 036, 038

Class(es):

Class Status: ACTIVE

Basis: 1(a)

**First Use:** Nov. 30, 2017 **Use in Commerce:** Nov. 30, 2017

For: Stickers

#### Case 3:23-cv-02860-X Document 1-12 Filed 12/27/23 Page 5 of 6 PageID 327

International 016 - Primary Class U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2017 Use in Commerce: Nov. 30, 2017

For: Tote bags

International 018 - Primary Class U.S Class(es): 001, 002, 003, 022, 041

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2017 Use in Commerce: Nov. 30, 2017

For: Mugs; Plastic cups; Tea canisters; Water bottles sold empty

International 021 - Primary Class U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class(es):

Class Status: ACTIVE

Basis: 1(a)

**First Use:** Nov. 30, 2017 **Use in Commerce:** Nov. 30, 2017

For: Headwear, namely, caps and hats; Hoodies; T-shirts

International 025 - Primary Class U.S Class(es): 022, 039

Class(es):

Class Status: ACTIVE

Basis: 1(a)

**First Use:** Dec. 01, 2016 **Use in Commerce:** Nov. 30, 2017

For: Tea bags

International 030 - Primary Class U.S Class(es): 046

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2017 Use in Commerce: Nov. 30, 2017

## **Basis Information (Case Level)**

Filed Use:NoCurrently Use:YesFiled ITU:YesCurrently ITU:NoFiled 44D:NoCurrently 44E:NoFiled 44E:NoCurrently 66A:NoFiled 66A:NoCurrently No Basis:No

Filed No Basis: No

## **Current Owner(s) Information**

Owner Name: KF TEA USA INC

Owner Address: 589 Eighth Avenue, 17th Floor

New York, NEW YORK UNITED STATES 10018

Legal Entity Type: CORPORATION State or Country NEW YORK

Where Organized:

## **Attorney/Correspondence Information**

Attorney of Record

Attorney Name: Matthew D. Asbell

Attorney Primary Email Address:

Matthew D. Asbell

Docket Number: 0565-26.19

Attorney Email Yes
Authorized:

### 

#### Correspondent

Correspondent Matthew D. Asbell Name/Address: Offit Kurman, P.A.

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#### **Domestic Representative - Not Found**

### **Prosecution History**

Date	Description	Proceeding Number
Oct. 16, 2023	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Apr. 14, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 14, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 14, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 14, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 14, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 16, 2018	REGISTERED-PRINCIPAL REGISTER	
Sep. 12, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 11, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 21, 2018	STATEMENT OF USE PROCESSING COMPLETE	66154
Aug. 01, 2018	USE AMENDMENT FILED	66154
Aug. 21, 2018	DIVISIONAL PROCESSING COMPLETE	
Aug. 01, 2018	DIVISIONAL REQUEST RECEIVED	
Aug. 21, 2018	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Aug. 01, 2018	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 01, 2018	TEAS STATEMENT OF USE RECEIVED	
Feb. 06, 2018	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 12, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 12, 2017	PUBLISHED FOR OPPOSITION	
Nov. 22, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 06, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 30, 2017	ASSIGNED TO EXAMINER	72152
Aug. 02, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Aug. 01, 2017	NEW APPLICATION ENTERED	

### **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Sep. 11, 2018